IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 70471-M of 2006

DATE OF DECISION : 08.01.2007

Shiv Parkash Sharma

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Navkiran Singh, Advocate,
for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

Petitioner Shiv Parkash Sharma, apprehending his arrest in a non-bailable offence in case FIR No. 342 dated 1.11.2006 registered at Police Station Division No.6, Jalandhar, under Sections 307/452/323/506/ 34 IPC, has filed this petition under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail.

I have heard counsel for the parties and have gone through the contents of the FIR.

Counsel for the petitioner contends that when wife of the petitioner was taking treatment from Pal Hospital, Jalandhar, he purchased some medicine from the shop, situated in the said hospital. Those medicines were not as per prescription. When the petitioner went to the hospital to get the medicine changed, an altercation took place between him and Devinder Kumar, an employee of the hospital, who look after the said shop. According to the petitioner, he was given beating by said Devinder Kumar. Subsequently, on the false allegations, the owner of the hospital lodged the instant FIR against the petitioner alleging that he had caused grievous injuries to Devinder Kumar and got a case registered under Section 307

IPC. Counsel for the petitioner, while referring to the injuries and the medical opinion, contends that even the offence under Section 307 IPC is not made out and the petitioner has been falsely implicated.

Counsel for the petitioner further states that in terms of the interim order dated November 13, 2006, the petitioner has joined the investigation. The State counsel does not dispute this fact.

In view of the above, without commenting on the merits, the interim bail, granted vide order dated November 13, 2006, is made absolute subject to the same terms and conditions.

Disposed of accordingly.

January 08, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**